REGISTERED No. M. 4631.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. V] Trivandrum, Friday, 15th July 1960 / 24th Asadha 1882 [No. 61.

NOTIFICATION

No. 2278|LA.4|60. *Dated, 15th July 1960.*

The following Bill together with the Statement of Objects and Reasons is published, as ordered by the Speaker under Rule 73 of the Rules of Procedure and Conduct of Business in the Assembly.

D. TIRUMALAI IYENGAR,
Secretary,
Legislative Assembly.

Legislature Secretariat,
Trivandrum.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1960.

THE TRAVANCORE-COCHIN MEDICAL PRACTITIONERS (AMENDMENT) BILL, 1960

A

BILL

to amend the Travancore-Cochin Medical Practitioners Act, 1953.

Preamble.—WHEREAS it is expedient to amend the Travancore-Cochin Medical Practitioners Act, 1953, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of preamble.*—In the preamble to the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953), hereinafter referred to as the principal Act, the words "excluding the Malabar district" shall be omitted.

3. *Amendment of section 1.*—In section 1 of the principal Act,—

(i) in sub-section (1), for the words "the Travancore-Cochin Medical Practitioners Act", the words "the Medical Practitioners Act" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of the State of Kerala".

4. *Amendment of section 2.*—In section 2 of the principal Act, for clause (j), the following clause shall be substituted, namely:—

"(j) 'recognised qualification' means,—

(i) in relation to modern medicine, the qualifications specified in Part A of the Schedule;

(ii) in relation to homoeopathic medicine, the qualifications specified in Part B of the Schedule; and

(iii) in relation to indigenous medicine, the qualifications specified in Parts C and D of the Schedule;".

5. *Substitution of new section for section 3.*—For section 3 of the principal Act, the following section shall be substituted, namely:—

"3. *Establishment, incorporation and constitution of councils.*—(1) The Government shall, by notification in the Gazette, establish the following three councils, namely:—

(a) the Council of Modern Medicine;

(b) the Council of Homoeopathic Medicine; and

(c) the Council of Indigenous Medicine.

Each such council shall be a body corporate, and have perpetual succession and a common seal and shall by the said name sue and be sued.

(2) (i) The Council of Modern Medicine shall consist of the following members, namely:—

(a) the Director of Health Services, *ex-officio*;

(b) one member elected by the members of the Faculty of Medicine, University of Kerala, from among themselves;

(c) two members, one elected by the teachers of the Medical College, Trivandrum, from among themselves, and one elected by the teachers of the Medical College, Kozhikode, from among themselves;

(d) nine members, one from each revenue district, elected by the registered practitioners of modern medicine of that district from among themselves; and

(e) two members nominated by the Government.

(ii) In making nominations under clause (i) (e), the Government shall have due regard to the claims of women, of medical missions and of other groups of practitioners, representatives of whom have not been elected by the electorates referred to in clauses (i) (b), (i) (c) and (i) (d).

(3) The Council of Homoeopathic Medicine shall consist of the following members, namely:—

(a) nine members, one from each revenue district, elected by the registered practitioners of homoeopathic medicine of that district from among themselves; and

(b) two members nominated by the Government.

(4) The Council of Indigenous Medicine shall consist of the following members, namely:—

(a) one member elected by the Members of the Faculty of Ayurveda, University of Kerala, from among themselves;

(b) three members elected from among themselves by the teachers of—

(i) the Ayurveda College, Trivandrum;

(ii) the Ayurveda College, Trippunithura;

(iii) the Keraleeya Ayurveda Patasala, Shoranur;

(iv) the Ayurveda College, Kottakkal; and

(v) the Ayurveda College, Cannanore;

(c) nine members, one from each revenue district, elected by the registered practitioners of Ayurvedic medicine of that district from among themselves;

(d) five members nominated by the Government, from among the registered practitioners of indigenous medicine, of whom—

(i) one shall be a registered practitioner in Siddha medicine, if there are not less than fifty registered practitioners in that medicine; and

(ii) one shall be a registered practitioner in Unani Tibbi medicine, if there are not less than fifty registered practitioners in that medicine:

Provided that if the number of registered practitioners either in the Siddha medicine or in the Unani Tibbi medicine is less than fifty the number of members to be nominated under this clause shall be four, and if the number of registered practitioners both in the Siddha Medicine and the Unani Tibbi medicine is less than fifty, the number of members to be so nominated shall be three.".

6. *Amendment of section 4.*—In section 4 of the principal Act, for the words, brackets, letters and figures " clause (a), (b), (c), (d), (e) or (f) of sub-section (4) of section 3" in both places where they occur, the words, brackets, letters and figures "clause (a), (b) or (c) of sub-section (4) of section 3" shall be substituted.

7. *Amendment of section 6.*—In section 6 of the principal Act, for the words "the first councils", the words, brackets and figures "the first councils constituted after the commencement of the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960" shall be substituted.

8. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) after clause (c), the following clause shall be inserted, namely:—

"(cc) if he is not a resident of the State of Kerala;";

(ii) in clause (d), for the words "by the Travancore Medical Council", the words and figures "by the Travancore Medical Council or by the Medical Council established under the Madras Medical Registration Act, 1914," shall be substituted;

(iii) in clause (f), for the words "University of Travancore", the words "University of Kerala" shall be substituted;

(iv) in clause (g), the following shall be added at the end, namely:—

"or the Medical College, Kozhikode, as the case may be;";

(v) in clause (h), for the words "University of Travancore", the words "University of Kerala" shall be substituted;

(vi) for clause (i), the following clause shall be substituted, namely:—

"(i) if having been elected under clause (b) of sub-section (4) of section 3, he ceases to be a teacher of the Ayurveda College, Trivandrum, or of the Ayurveda College, Trippunithura, or of the Keraleeya Ayurveda Patasala, Shoranur, or of the Ayurveda College, Kottakkal, or of the Ayurveda College, Cannanore, as the case may be;";

(vii) clause (j) shall be omitted.

9. *Amendment of section 8.*—In sub-section (1) of section 8 of the principal Act,—

(i) in clause (a), for the words, "the first councils", the words, brackets and figures "the first councils constituted after the commencement of the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960" shall be substituted;

(ii) in clause (b), for the words, "the first council", the words, brackets and figures "the first council constituted after the commencement of the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960" shall be substituted.

10. *Amendment of section 9.*—In section 9 of the principal Act,—

(i) in the proviso to sub-section (1), for the words "the first councils", the words, brackets and figures "the first councils constituted after the commencement of the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960" shall be substituted;

(ii) in sub-section (5), for the words "Surgeon General", the words "Director of Health Services" shall be substituted.

11. *Amendment of section 16.*—In sub-section (4) of section 16 of the principal Act, for the sentence beginning with the words "five members shall" and ending with the words "shall be three", the following sentence shall be substituted, namely:—

"Five members in the case of the Council of Modern Medicine, three members in the case of the Council of Homoeopathic Medicine and six members in the case of the Council of Indigenous Medicine shall form the quorum.".

12. *Amendment of section 20.*—In section 20 of the principal Act,—

(i) in sub-section (2), for the portion beginning with the words and letter "Part A containing the names of practitioners" and ending with the words, brackets and figures "registered by virtue of clause (ii) of sub-section (1) of section 23", the following shall be substituted, namely:—

"Part A containing the names of—

(i) practitioners holding recognised qualifications; and

(ii) practitioners holding appointments under the Government at the commencement of this section;

and, in the case of the Register of Modern Medicine, (iii) persons registered in pursuance of clause (i) of sub-section (1) of section 23A,
and Part B containing the names of those registered by virtue of clause (ii) of sub-section (1) of section 23 and, in the case of the Register of Modern Medicine, those registered by virtue of clause (ii) of sub-section (1) of section 23A";

(ii) in the proviso to sub-section (4), after the words "on the application of the said practitioner", the following words shall be inserted, namely:—

"and on payment of a fee of three rupees".

13. *Omission of section 21.*—Section 21 of the principal Act shall be omitted.

14. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (i), for the words "commencement of this Act", the words "commencement of this section" shall be substituted;

(b) in clause (ii), for the words "this Act comes into force", the words "this section comes into force" shall be substituted;

(c) in the proviso, for the words "this Act", the words "this section" shall be substituted;

(d) after the proviso, the following further proviso shall be inserted, namely:—

"Provided further that, in its application to persons residing in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, this sub-

section shall have effect as if for the words and figures "first day of April, 1953" in clause (ii), the words and figures "first day of April, 1960" were substituted.";

(ii) in sub-section (4),—

(a) between the words "dispensary" and "vaidyasala", the words "Medical School or College" shall be inserted;

(b) in the proviso, for the words "this Act", the words "this section" shall be substituted.

15. *Insertion of new section 23A.*—After section 23 of the principal Act, the following section shall be inserted, namely:—

"23A. *Special provisions relating to holders of the degree of BAM, the diploma of DAM, etc.*—(1) Notwithstanding anything contained in this Act,—

(i) any person—

(a) who, at the commencement of this section, possesses the degree of BAM or the diploma of DAM of the University of Travancore or the University of Kerala; or

(b) who has been admitted to the course for such degree or diploma not later than the academic year 1958-59 and has taken the degree or diploma after the commencement of this section,

and who undergoes such course of training, passes such examination and takes such diploma as may be prescribed and, in the case of any person who holds the diploma of DAM, possesses also such further qualification as may be prescribed, shall be entitled to be registered in Part A of the Register for Modern Medicine.

Explanation.—The course of training and examination prescribed for the purposes of this clause may be different for the holders of the degree of BAM and the diploma of DAM;

(ii) any person—

(a) who, at the commencement of this section, possesses the degree of BAM or the diploma of DAM of the University of Travancore or the University of Kerala or the diploma of L.I.M. in Ayurveda granted by the School of Indian Medicine, Madras or the diploma of G.C.I.M. granted by the Government of Madras; or

(b) who has been admitted to the course for such degree or any such diploma not later than the academic year 1958-59 and has taken the degree or diploma after the commencement of this section, shall be entitled to be registered in Part B of the Register for Modern Medicine.

Explanation.—Admission to pre-professional course for a degree or diploma referred to in this section shall be deemed to be admission to the course for such degree or diploma.

(2) No person shall be eligible for registration under sub-section (1)—

(a) if he is subject to any of the disqualifications mentioned in clauses (a), to (cc) of section 7; or

(b) if he has been punished by the Council of Indigenous Medicine in any manner for infamous conduct in the profession or if he has been dismissed from service under any Government.".

16. *Amendment of section 25.*—In section 25 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) the Registrar shall prepare and keep a list called "List of practitioners in practice on the first day of April, 1953, in the Travancore-Cochin area" and another list called "List of practitioners in practice on the first day of April, 1960, in the Malabar area.";

(ii) in sub-section (2),—

(a) for the words and figures beginning with the words "from the commencement of this Act" and ending with the words and figures "first day of April, 1953", the following shall be substituted, namely:—

"from the commencement of this section proves to the satisfaction of the Registrar that he has been in regular practice—

(i) in any part of the State other than the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956, on the first day of April, 1953; or

(ii) in any part of the said Malabar district, on the first day of April, 1960";

(b) for the words "in the aforesaid list", the words, brackets and figure "the appropriate list prepared under sub-section (1)" shall be substituted.

17. *Amendment of section 26.*—In section 26 of the principal Act, for the words "commencement of this Act", in both places where they occur, the words "commencement of this section" shall be substituted.

18. *Amendment of section 27.*—In sub-section (1) of section 27 of the principal Act, after the word and figures "section 23", the words, figures and letter "or under section 23A" shall be inserted.

19. *Amendment of section 31.*—In sub-section (1) of section 31 of the principal Act, for the words "appropriate council", the words "Council of Modern Medicine" shall be substituted.

20. *Amendment of section 32.*—In section 32 of the principal Act,—

(1) in sub-section (1),—

(i) in clause (i), the words "excluding the Malabar district" shall be omitted;

(ii) in clause (iii),—

(a) for the words "this Act", the words "this section" shall be substituted;

(b) after the words "or other similar institution", the following words shall be added, namely:—

"or as the teacher in any Medical School or College";

(c) in the proviso, for the words "this Act", the words "this section" shall be substituted;

(2) in sub-section (2), for the words "holds any such appointment shall", the following shall be substituted, namely:—

"holds any such appointment or who employs in such appointment any person who is not eligible to hold such appointment in any institution for the management of which he is responsible shall";

(3) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Whoever, after having been convicted under sub-section (2), continues to hold any such appointment, or continues to employ such person in such appointment in any such institution shall, on conviction, be punished for each day after the previous date of conviction during which he continues to hold the appointment, or to employ such person, with fine which may extend to twenty rupees.".

21. *Amendment of section 33.*—For sub-section (1) of section 33 of the principal Act, the following sub-section shall be substituted, namely:—

"(1) Any person aggrieved by any act or order of the Registrar under this Act may appeal to the appropriate council.".

22. *Amendment of section 36.*—In sub-section (2) of section 36 of the principal Act, after clause (g), the following clause shall be inserted, namely:—

"(gg) as to the course of training, examination and diploma for holders of the degree of BAM or the diploma of DAM and the further qualification, if any, for holders of the diploma of DAM., for purposes of section 23A;".

23. *Amendment of section 37.*—In section 37 of the principal Act,—

(i) in sub-section (1),—

(a) after the words "Each Council may", the words, brackets, figure and letter "subject to the provisions of sub-section (1A)," shall be inserted;

(b) in clause (b), the words "against the action of the Registrar" shall be omitted;

(c) after clause (b), the following clause shall be inserted, namely:—

"(bb) the procedure to be followed in making reports under section 47;";

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) (a) As soon as may be after the first council under this Act as amended by the Travancore-Cochin Medical Practitioners (Amendment) Act, 1960, is constituted, the Council of Modern Medicine and the Council of Indigenous Medicine shall each appoint a committee consisting of five members excluding the *ex officio* members, and the Council of Homoeopathic Medicine shall appoint a committee consisting of three members excluding the *ex officio* members to draw up the first regulations under this Act. The Registrar and the Secretary to Government in charge of the Health Section shall be *ex officio* members of each committee. Three members shall form the quorum of each committee.

(b) The committee shall draw up the regulations. The regulations framed by the committee shall be placed before the appropriate council for its consideration. The council may make such modifications as it considers necessary in the regulations and the regulations with such modifications shall be submitted to the Government for approval.".

24. *Amendment of section 38.*—In section 38 of the principal Act, the words and figures "Subject to the provisions of section 27 of the Indian Medical Council Act, 1956" shall be inserted in the beginning.

25. *Amendment of section 40.*—In section 40 of the principal Act, the words "excluding the Malabar district" shall be omitted.

26. *Amendment of section 42.*—In clause (b) of sub-section (1) of section 42 of the principal Act, the words "excluding the Malabar district" shall be omitted.

27. *Substitution of new section for section 44.*—For section 44 of the principal Act, the following section shall be substituted, namely:—

"44. *Prosecution.*—Whenever a council is of the opinion that the prosecution of any person for breaches of any of the provisions of this Act is necessary, such council may, by resolution and with the previous approval of the Government, authorise the Registrar or any member of such council to initiate such prosecution.".

28. *Amendment of section 45.*—For sub-section (2) of section 45 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) No court shall take cognisance of any offence under this Act except on a complaint in writing of the Registrar or the member of the council authorised under section 44.".

29. *Amendment of section 46.*—In section 46 of the principal Act, for the words "or the Registrar", the words "the Registrar or any member of a council" shall be substituted.

30. *Amendment of section 47.*—In section 47 of the principal Act, the words "or otherwise" in both places where they occur shall be omitted.

31. *Amendment of section 47A.*—Section 47A of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered the following sub-section shall be inserted, namely:—

"(2) The Registrar shall, on application and on production of evidence, enter the names of medical practitioners, who are deemed to be registered under sub-section (1), in part A of the Register for Modern Medicine.".

32. *Amendment of the Schedule.*—In the Schedule to the principal Act,—

(i) in Part A,—

(a) for item (i) in entry I, the following item shall be substituted, namely:—

"(i) The University of Kerala;";

(b) for entry II, the following entry shall be substituted, namely:—

"II. All qualifications recognised under the Indian Medical Council Act, 1956.";

(ii) in part C, in entry I, for items (ii) and (iii), the following items shall be substituted, namely:—

"(ii) The Ayurveda College, Thrippunithura;

(iii) The Keraleeya Ayurveda Patasala, Shoranur;

(iii A) The Ayurveda College, Kottakkal;

(iii B) The Ayurveda College, Cannanore;".

33. *Amendment of Form II.*—In Form II appended to the principal Act,—

(i) for the word "Travancore-Cochin", the word "Kerala" shall be substituted;

(ii) for the words "Travancore-Cochin Medical Practitioners Act", the words "Medical Practitioners Act" shall be substituted.

34. *Repeal.*—The Madras Medical Registration Act, 1914 (Madras Act IV of 1914), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The law for regulating the qualifications and for providing for the registration of practitioners of modern medicine, homoeopathic medicine and indigenous medicine, in force in the Travancore-Cochin area of the State, is the Travancore-Cochin Medical Practitioners Act, 1953. The corresponding law regarding modern medicine in force in the Malabar area of the State is the Madras Medical Registration Act, 1914. There is no law in force in the Malabar area for regulating the qualifications and for providing for the registration of practitioners of homoeopathic medicine or the indigenous medicine. It is considered necessary to extend the Travancore-Cochin Act to the whole of the State of Kerala with suitable modifications and to repeal the Madras Act in its application to the Malabar area of the State. The Bill is intended for this purpose.

V. K. VELAPPAN.